

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Michael R. Matthias

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and for
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

BARBARA S. GROSS 2006 GRAT, a New York
trust, ESTATE OF BARBARA S. GROSS,
FIDUCIARY TRUST INTERNATIONAL OF THE
SOUTH, a Florida corporation, as personal
representative, LORA JOY APPLETON, as trustee of
the Barbara S. Gross 2006 GRAT and as an
individual, THE LORA TRUST U/A 8/29/98, a New

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04389 (SMB)

York trust, and SUSAN J. ANOLICK, as trustee of
The Lora Trust U/A 8/29/89 and as an individual,

Defendants.

NOTICE OF MEDIATOR SELECTION

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)¹ [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on November 30, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, on March 27, 2017 the Trustee filed with this Court the Notice of Mediation Referral [Dkt. No. 17], wherein the Trustee and Defendants BARBARA S. GROSS 2006 GRAT, a New York trust, ESTATE OF BARBARA S. GROSS, FIDUCIARY TRUST INTERNATIONAL OF THE SOUTH, a Florida corporation, as personal representative, LORA JOY APPLETON, as trustee of the Barbara S. Gross 2006 GRAT and as an individual, THE LORA TRUST U/A 8/29/98, a New York trust, and SUSAN J. ANOLICK, as trustee of The Lora Trust U/A 8/29/89 and as an individual (the “Parties”) jointly agreed to enter mediation upon completion of discovery without further court order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of

¹ All terms not defined herein shall be given the meaning ascribed to them in the Order.

Mediation Referral, the Parties hereby mutually select from the Mediation Register Deborah A. Reperowitz, from the law firm of McGlinchey Stafford, to act as Mediator in this matter. The Parties further agree to contact Deborah A. Reperowitz as soon as practicable after this Notice of Mediator Selection is filed with the Court.

The Parties further agree that no person shall act as Mediator if that person, or that person's law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

[Rest of page intentionally left blank.]

Dated: April 27, 2017
New York, New York

Of Counsel:

BAKER & HOSTETLER LLP
11601 Wilshire Boulevard, Suite 1400
Los Angeles, California 90025-0509
Telephone: (310) 820-8800
Facsimile: (310) 820-8859
Michael R. Matthias
Email: mmathias@bakerlaw.com

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

MOSES & SINGER LLP

By: /s/Mark N. Parry
The Chrysler Building
405 Lexington Avenue
New York, New York 10174
Telephone: (212) 554-7822
Facsimile: (212) 377-6052
Mark N. Parry
Email: mparry@mosessinger.com
Kent C. Kolbig
Email: kkolbig@mosessinger.com
Megan H. Daneshrad
Email: mdaneshrad@mosessinger.com

Attorneys for Defendants